

CIVIL RIGHTS COMPLAINT  
42 U.S.C. § 1983

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Amended Complaint  
**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 13 2011 ★

CHAD S. JOHNSON

Full name of plaintiff/prisoner ID# 559693

Plaintiff,

LONG ISLAND OFFICE

11-CV-2481 (JS)

JURY TRIAL DEMAND

YES ☒ NO ☐

-against-

Suffolk County, Michael  
Soto, Sean P. Mcquaid,  
Sean Comiskey

Enter full names of defendants

[Make sure those listed above are

identical to those listed in Part III.]

Individually and in their official

Capacities.

Defendants.

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No (x)
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

RECEIVED

SEP 13 2011

EDNY PRO SE OFFICE

2. Court (if federal court, name the district;  
if state court, name the county)

3. Docket Number: \_\_\_\_\_

4. Name of the Judge to whom case was assigned: \_\_\_\_\_

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)  
\_\_\_\_\_

6. Approximate date of filing lawsuit: \_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_

II. Place of Present Confinement: \_\_\_\_\_

A. Is there a prisoner grievance procedure in this institution? Yes ( ) No ( )

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes ( ) No ( )

C. If your answer is YES,

1. What steps did you take? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What was the result? \_\_\_\_\_  
\_\_\_\_\_

D. If your answer is NO, explain why not \_\_\_\_\_  
\_\_\_\_\_

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes ( ) No ( )

F. If your answer is YES,

1. What steps did you take? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What was the result? \_\_\_\_\_  
\_\_\_\_\_

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff CHAD S. Johnson

Address Riverhead, NY, 11901, 110 Center Drive

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

Suffolk County  
\_\_\_\_\_  
\_\_\_\_\_

Defendant No. 2

Sean Comiskey, Shield # 1251  
30 Yaphank Ave  
Yaphank, NY, 11980

Defendant No. 3

Michael Soto, Shield # 1156  
30 Yaphank Ave  
Yaphank, NY, 11980

Defendant No. 4

Sean P. McGuaid, Shield # 1319  
30 Yaphank Ave  
Yaphank, NY, 11980

Defendant No. 5

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

## IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

On May-24-2010 Suffolk County Police Department 30 Yaphank Ave NY, 11950, Michael Soto, Sean P. McGuaid, & Sean Comiskey violated my 5<sup>th</sup> amend. Right when I was compelled to be a witness against myself.

Second my 6<sup>th</sup> amend. right was violated when Michael Soto, Sean P. McGuaid & Sean Comiskey denied my request for counsel numerous times while acting under color of State law.

Third my 8<sup>th</sup> amend. right was violated when I was subjected to cruel & unusual punishment. Threats & physical abuse "over a course of time" in which "Sean P. McGuaid was choking, smacking, punching me". Also was as "Sean Comiskey punched me numerous times & choked me"; Michael Soto punched me in and step on my testicles as well as choking, punching & kicking me.

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

I sustained bruise to my shoulder, cut & bruise above my left eye, bruises to the right side of my face, scratches to my neck, Flagrant migraines, Constant nightmares, depression.

#### IV. Statement of Claim

Fourth each defendant was acting "under color of state law" while in violation of my fourteenth amendment Due Process clause, having no good intention while discharge of their official duties.

Fifth exhibit. A within this complaint is where my lawyer states the bruising I received from being beat up by 4 defendants.  
he has seen

V. Relief:

State what relief you are seeking if you prevail on your complaint.

A permanent injunction ordering defendant Suffolk County to make  
its requirement for law enforcement to video tape reading of Miranda  
rights and signing of Miranda rights card.  
Compensatory damages in the amount of 12,000.00 against each defendant  
jointly and severally.  
Punitive damages in the amount of 50,000.00 against each defendant.  
Plaintiff Cost in this suit.  
Any additional relief this court deems just, proper & equitable

I declare under penalty of perjury that on August-05-2011, I delivered this  
(Date)  
complaint to prison authorities to be mailed to the United States District Court for the Eastern  
District of New York.

Signed this 1 day of August, 2011. I declare under penalty of  
perjury that the foregoing is true and correct.

Chad Johnson  
Signature of Plaintiff

Suffolk County Correctional  
Name of Prison Facility

110 Center drive  
Riverhead, NY, 11901

Address

559643  
Prisoner ID#

MAY 27 2010 4:27PM 3537 6318522835

DISTRICT COURT

NO. 603 P. 20E 35

EXHIBIT A

People v. Johnson

He has been in school, college, has been working at Stop and Shop. I ask the Court to set reasonable bail. There are a couple of things I would like to say. I have had an opportunity to speak to my client before coming out here this morning. It's apparent to me, what he has told me and my observation, that he was subjected to being beaten by the police officers while in custody. For the record, your Honor, I would like to note that his left arm, which is covered by his shirt at the present time -- he did show me in lock-up there was an injury on his shoulder, on the arm area. Above his left eye there is a mark. Above his eyebrow and the right side of his face, to the right and above his eye, is an injury. I am going to ask the Court to direct he be given a medical examination when he goes back to the jail. And that is based on the threats he received from the police officers at the time that he was taken into protective custody while at jail.